

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
COLUMBIA DIVISION

UNITED STATES OF AMERICA	)	
	)	
v.	)	No. 1:22-cr-000012
	)	
	)	Judge Eli J. Richardson
JONATHAN HARRIS	)	

**UNOPPOSED MOTION TO AMEND SCRIVENER'S ERROR IN INDICTMENT**

The United States of America, by and through Mark H. Wildasin, United States Attorney for the Middle District of Tennessee, and the undersigned Assistant United States Attorney, Nani M. Gilkerson, hereby moves this Court to amend the indictment in this case to correct a spelling error in the defendant's name. In support of that request, the United States sets forth as follows:

1. The indictment in this case names "Jonathan Harris" as the sole defendant.
2. The correct spelling of the defendant's first name is "Jonathon," not "Jonathan."

This misspelling came to the attention of undersigned counsel at the detention hearing when defendant's mother corrected the spelling of defendant's name on her third-party custodian declaration. The United States subsequently reviewed its records and confirmed that the correct spelling of defendant's first name is "Jonathon."

3. "It is well settled that an indictment may not be materially amended except by resubmission to the grand jury." *United States v. Mumford*, 991 F.2d 797, 1993 WL 128502, at \*4 (6th Cir. Apr. 23, 1993) (table) (citing *Stirone v. United States*, 361 U.S. 212, 217 (1960)). Upon motion of the government, however, a court may make changes to an indictment that are "purely matters of form." *Short v. United States*, 471 F.3d 686, 694 (6th Cir. 2006). "An amendment will be allowed if a defendant's rights are not affected and he is adequately apprised of the charges against him so that he is protected against surprise at trial or another prosecution for the same

offense.” *United States v. Young Bros., Inc.*, 728 F.2d 682, 693 (5th Cir. 1984) (citing *Berger v. United States*, 295 U.S. 78, 82 (1935)); *see also United States v. Mason*, 869 F.2d 414, 417 (8th Cir. 1989) (affirming amendment of indictment to change middle initial because “[m]isnomers generally are mistakes of form that may be corrected by amending the indictment”).

4. Here, the error in the indictment is typographical in nature and amending it to correct the spelling of the defendant’s first name would not substantively change the indictment, nor would doing so affect the rights of the defendant or prejudice him in any way.

5. Undersigned counsel spoke to defense counsel and she indicated that she does not oppose this motion.

WHEREFORE, the United States respectfully requests that the indictment be amended to reflect the correct spelling of the defendant’s first name.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on October 14, 2022, a true and exact copy of the foregoing document was served on Mary-Kathryn Harcombe, counsel for defendant, via the Court's electronic filing system.

**s/ Nani Gilkerson**  
NANI M. GILKERSON  
Assistant United States Attorney